

# Court of Appeals, State of Michigan

## ORDER

PEOPLE OF MI V BRIAN CHRISTOPHER MANN

Docket No. 284628

LC No. 07-100137-FC

Karen M. Fort Hood  
Presiding Judge

Helene N. White

Christopher M. Murray  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court VACATES the September 19, 2007 judgment of sentence and REMANDS this case for resentencing. On remand, the trial court shall recalculate OV 9 in light of *People v Melton*, 271 Mich App 590, 596; 722 NW2 698 (2006) and MCL 777.39. In the event the sentencing court departs from the guidelines range, the court must state on the record substantial and compelling reasons to justify its departure. See *People v Babcock*, 469 Mich 247; 666 NW2d 231 (2003).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 21 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk